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and Mark Sorci*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES M. PINEDA,

Plaintiff,

v.

E.K. MCDANIEL, et al.,

Defendants

Case No. 3:17-cv-00196-RCJ-CBC

**MOTION FOR EXTENSION OF TIME TO
FILE RESPONSIVE PLEADING**

(Second Request)

Defendants, Tara Carpenter, E.K. McDaniel, and Mark Sorci (Defendants), by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Ian E. Carr, Deputy Attorney General, hereby submit their Motion for Extension of Time to File a Responsive Pleading (Second Request). This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A), the following Memorandum of Points and Authorities, and all papers and pleadings on file in this action.

MEMORANDUM OF POINTS AND AUTHORITIES

I. ARGUMENT

Defendants respectfully request a thirty (30) day extension of time out from the current deadline (November 28, 2018) to file a responsive pleading in this case. Counsel for Defendants is confronted with numerous competing deadlines and a high workload due to staffing changes in the Office of the Attorney General. Furthermore, an upcoming jury trial in the case *Mizzoni v. Allison, et al.*, 3:15-cv-

00313-MMD-CBC, set for January 8, 2019, has contributed to delays. However, such obstacles are currently being resolved and the requested extension of time should afford Defendants adequate time to file a responsive pleading in this case.

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:


When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants' request is timely and its limited nature will not hinder or prejudice Plaintiff's case, but will allow for a thorough response to Plaintiff's allegations. The requested thirty (30) day extension of time should permit Defendants time to adequately research and respond to Plaintiff's allegations. Defendants assert that the requisite good cause is present to warrant the requested extension of time.

For these reasons, Defendants respectfully request a thirty (30) day extension of time from the current deadline to file a responsive pleading in this case, with a new deadline to and including Friday, December 28, 2018.

DATED this 28th day of November, 2018.

ADAM PAUL LAXALT
Attorney General

By: 
IAN E. CARR
Deputy Attorney General
State of Nevada
Bureau of Litigation
Public Safety Division
Attorneys for Defendants

IT IS SO ORDERED.



U.S. MAGISTRATE JUDGE

DATED: 11/30/2018

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 28th day of November, 2018, I caused a copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING (Second Request)**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

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An employee of the
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